

# **EXHIBIT A**

1 The Honorable Robert S. Lasnik  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 YESENIA PACHECO, LUIS LEMUS, and  
11 S.L.P., minor child, by and through her  
Guardian ad Litem Brian Comfort,

12 Plaintiffs,

13 v.

14 UNITED STATES OF AMERICA,

15 Defendant.

16 Case No. C15-1175 RSL

17 DECLARATION OF ANNEMARIE H.  
18 McANALLY

19 In accordance with the provisions of Title 28, United States Code, Section 1746, I,  
20 Annemarie H. McAnally, do hereby make the following declaration, under penalty of perjury,  
21 pertinent to the above-styled and numbered cause of action.

22 I have been a principal of Huver & Associates, Inc. since 1996. Huver & Associates, Inc.  
23 was a pioneer in the development of the Capital Needs Analysis in 1980 and has actively  
24 participated in the evaluation and preparation of over four hundred (400) complex, catastrophic  
25 cases since that time. I am currently licensed in the state of Washington as a life agent and am  
appointed with six A+ rated life insurance companies as a broker/producer.

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27 DECLARATION OF ANNEMARIE H McANALLY  
28 C15-1175-RSL -1

UNITED STATES ATTORNEY  
700 STEWART STREET, SUITE 5220  
SEATTLE, WASHINGTON 98101  
(206) 553-7970

1 Since 1996, I have personally participated in the evaluation and design of over one  
 2 hundred fifty (150) catastrophic malpractice cases, developing analysis and recommendations for  
 3 funding of various life care plans to both parties. I have a bachelor's from Villanova University,  
 4 am a certified structured settlement consultant and have completed the necessary studies for the  
 5 Certified Financial Planner (CFP) designation from the CFP Board in Denver, CO. I have  
 6 received and reviewed the Life Care Plan for SLP, dated February 4, 2019, prepared by Rebecca  
 7 Bellerive, RN, CDMS, CCM, CLCP. I have been asked to evaluate the cost of Option 3 of this  
 8 life care plan utilizing a Reversionary Inter Vivos Medical Trust.

9  
 10 **Cost of Care**

11 To begin this analysis, the life care plan (LCP) is reviewed thoroughly and the medical  
 12 care needs are extracted onto a one-page summary spreadsheet called the Cost of Care. The cost  
 13 of care illustrates the costs of the medical services in today's dollars and is broken down by unit  
 14 cost, frequency and duration. The unit costs were averaged where presented as ranges in the  
 15 LCP. The columns represent the annual costs on a year-by-year basis; even if the column header  
 16 shows multiple years grouped together. As an example, the visit to the neurologist at a cost  
 17 average of \$300 per visit for two times per year are in each of the columns ages 8, 9, 10, 11 and  
 18 12, yet they are grouped together since they continue to occur at the same frequency. The grand  
 19 total annual expenses are listed at the bottom of the cost of care and represent the annual costs  
 20 on a year by year basis multiplied by the number of years in the column.

21 Since the cost of care is based on today's dollars cost of services, it is necessary to project  
 22 these costs in the future, with proper inflators by category of service, to estimate the future costs

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 27 DECLARATION OF ANNEMARIE H McANALLY  
 28 C15-1175-RSL -2

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1 over the life expectancy of SLP. These future expenses are detailed in the corresponding  
 2 spreadsheet called the Capital Needs Analysis.

3 **Capital Needs Analysis**

4  
 5 The Capital Needs Analysis is broken down into two parts; a left side analysis and a right  
 6 side analysis. One the left, (Use of Funds) the report shows two categories of expenses, each  
 7 inflating at different rates according to historical governmental statistics (CPI, Medical  
 8 component as detailed by the U.S Bureau of Labor & Statistics). The two categories in this LCP  
 9 are medical care and support care. The columns under each category represent the annual cost  
 10 of care (from the life care plan) by subtotal and then in grand total, increasing each year at their  
 11 respective medical inflators. The right side of the spreadsheet (Source of Funds) shows the  
 12 amount of money needed to meet the medical care needs projected in the LCP on a year by year  
 13 basis. The Trust Corpus column shows the initial up-front cash required to seed (open or deposit  
 14 into) the trust. This column also displays the projected level of available funds in the trust year  
 15 by year assuming 100% utilization of the items projected in the LCP. The Lifetime Annuity Feed  
 16 column shows the calculated annuity payment required paying into the trust fund annually, for  
 17 the life of the SLP, and the Interest Income column shows the assumed yield on the deposited  
 18 funds, and the total income generated by that yield each year.  
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21 The total cost to fund the LCP (dated February 4, 2019, authored by Rebecca Bellerive,  
 22 RN, Option 3) through a Reversionary Medical Trust, owned by the United States of America  
 23 for the sole benefit of SLP is \$2,418,092.00. This total cost represents a seed (cash deposit) of  
 24 \$1,000,000.00 to fund the trust, and the annuity premium to feed the trust in the amount of  
 25 \$1,418,092.00.  
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27 DECLARATION OF ANNEMARIE H McANALLY  
 28 C15-1175-RSL -3

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1 This split funding approach, using a combination of a lifetime tax-free annuity to feed the trust  
2 on a periodic basis (monthly), plus a substantial cash deposit provides stability, longevity, and  
3 liquidity for unseen medical expenses along with professional money management to the  
4 beneficiary (SLP) for her future medical needs. Moreover, the annuity provides additional  
5 benefits not found in other trusts which include:

7 • Tax-free source of income and replenishment to the trust which can be accrued if not  
8 needed in any given year.

10 • A transfer of mortality and life expectancy risk since the annuity will continue to pay into  
11 the trust for as long as SLP shall live regardless of today's projections.

12 • Providing the trust with a steady stream of income which allows the Trustee (Bank) the  
13 opportunity to properly plan for investment purposes.

15 This analysis is also supported with the recommendation to appoint one of two dozen  
16 Trustee Banks across the nation who already have specific experience managing these Medical  
17 Trusts as well as a professional third party claims administrator; both with experience of over  
18 forty (40) years managing Reversionary Inter Vivos Medical Trusts on behalf of over seven  
19 hundred (700) individual beneficiaries and their families around the United States of America  
20 with circumstances similar to SLP.

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27 DECLARATION OF ANNEMARIE H McANALLY  
28 C15-1175-RSL -4

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1 I declare under penalty of perjury the foregoing is true and correct to the best of my knowledge.  
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4 EXECUTED this 9<sup>th</sup> day of September, 2020.  
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7 s/Annemarie H. McAnally  
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10 ANNEMARIE H. MCANALLY  
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DECLARATION OF ANNEMARIE H McANALLY  
C15-1175-RSL -5

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## Huver &amp; Associates, Inc.

## Estimated Cost of Care

(Present Dollars)

Date: 9/1/2020  
 Name: Sandra Lemus-Pacheco  
 DoB: 8/2/2012

Source: Rebecca Bellerive, RN (Option 3)

	First Year (Age: 8 )			Next 2 Years (Age: 9-10 )			Next 2 Years (Age: 11-12 )			Next 9 Years (Age: 13-21 )			Thereafter (Age: 22+ )	
	Rate	Freq.	Cost	Freq.	Cost	Freq.	Cost	Freq.	Cost	Freq.	Cost	Freq.	Cost	
<b>Medical</b>														
Neurologist	\$300	2	\$600	2	\$600	2	\$600	2	\$600	2	\$600	2	\$600	
Dental Anesthesia	\$152	1	\$152	1	\$152	1	\$152	1	\$152	0	\$0	0	\$0	
Neuro-Ophthalmology Evaluation	\$468	1	\$468	1	\$468	0	\$0	0	\$0	0	\$0	0	\$0	
Occupational Therapy Evaluation	\$300	1	\$300	1	\$300	1	\$300	0	\$0	0	\$0	0	\$0	
Speech Therapy Evaluation	\$750	2	\$1,500	1	\$750	1	\$750	0	\$0	0	\$0	0	\$0	
Neuropsychological Evaluation	\$3,750	1	\$3,750	1	\$3,750	0.5	\$1,875	0	\$0	0	\$0	0	\$0	
<b>Therapies</b>														
Occupational Therapy	\$275	192	\$52,800	48	\$13,200	48	\$13,200	0	\$0	0	\$0	0	\$0	
Speech/Cognitive Therapy	\$275	96	\$26,400	6	\$1,650	12	\$3,300	0	\$0	0	\$0	0	\$0	
<b>Diagnostic Testing</b>														
EEG	\$1,735	1	\$1,735	0.5	\$868	1	\$1,735	0.44	\$771	0	\$0	0	\$0	
EEG Asleep & Awake	\$5,162	0	\$0	0	\$0	0	\$0	0.22	\$1,147	0	\$0	0	\$0	
Anticonvulsant Blood Level Work	\$384	2	\$768	2	\$768	1	\$384	1	\$384	1	\$384	1	\$384	
Blood Work (full panel)	\$136	2	\$272	2	\$272	1	\$136	1	\$136	1	\$136	1	\$136	
MRI	\$4,496	1	\$4,496	0.5	\$2,248	0	\$0	\$0	\$0	0	\$0	0	\$0	
<b>Medications</b>														
Keprra	\$355	12	\$4,260	12	\$4,260	0	\$0	0	\$0	0	\$0	0	\$0	
Oxcarbazepine 300mg	\$300	12	\$3,600	12	\$3,600	12	\$3,600	0	\$0	0	\$0	0	\$0	
Oxcarbazepine 600mg	\$203	0	\$0	0	\$0	0	\$0	12	\$2,436	12	\$2,436	12	\$2,436	
<b>Sub-Total:</b>			<b>\$101,101</b>		<b>\$32,886</b>		<b>\$26,032</b>		<b>\$5,626</b>		<b>\$3,556</b>			
<b>Support Care</b>														
Adult Family Home Living	\$5,750	0	\$0	0	\$0	0	\$0	0	\$0	12	\$69,000			
<b>Sub-Total:</b>			<b>\$0</b>		<b>\$0</b>		<b>\$0</b>		<b>\$0</b>		<b>\$69,000</b>			
<b>Grand Total:</b>			<b>\$101,101</b>		<b>\$32,886</b>		<b>\$26,032</b>		<b>\$5,626</b>		<b>\$72,556</b>			

**HUVER & ASSOCIATES, INC.**  
**CAPITAL NEEDS ANALYSIS**

FBO: Sandra Lemus-Pacheco

9/1/2020

END OF YEAR	USE OF FUNDS			Cost: \$2,418,092	SOURCE OF FUNDS		
	MEDICAL EXPENSES INC @ 3.50%	SUPPORT CARE EXPENSES INC @ 3.00%	TOTAL EXPENSES		ANNUITY FEED INC @ 3%	6.25% INTEREST INCOME*	YEAR-END TRUST CORPUS \$1,000,000 INITIAL SEED
1	\$101,101	\$0	\$101,101	\$16,800	\$59,866	\$975,565	
2	\$34,036	\$0	\$34,036	\$17,304	\$60,450	\$1,019,282	
3	\$35,228	\$0	\$35,228	\$17,823	\$63,161	\$1,065,039	
4	\$28,862	\$0	\$28,862	\$18,358	\$66,237	\$1,120,771	
5	\$29,872	\$0	\$29,872	\$18,909	\$69,706	\$1,179,513	
6	\$6,682	\$0	\$6,682	\$19,476	\$74,119	\$1,266,426	
7	\$6,916	\$0	\$6,916	\$20,060	\$79,562	\$1,359,132	
8	\$7,158	\$0	\$7,158	\$20,662	\$85,368	\$1,458,004	
9	\$7,409	\$0	\$7,409	\$21,282	\$91,559	\$1,563,435	
10	\$7,668	\$0	\$7,668	\$21,920	\$98,160	\$1,675,848	
11	\$7,936	\$0	\$7,936	\$22,578	\$105,198	\$1,795,687	
12	\$8,214	\$0	\$8,214	\$23,255	\$112,700	\$1,923,429	
13	\$8,502	\$0	\$8,502	\$23,953	\$120,697	\$2,059,577	
14	\$8,799	\$0	\$8,799	\$24,671	\$129,220	\$2,204,669	
15	\$5,756	\$104,369	\$110,125	\$25,412	\$135,145	\$2,255,100	
16	\$5,958	\$107,500	\$113,457	\$26,174	\$138,216	\$2,306,033	
17	\$6,166	\$110,725	\$116,891	\$26,959	\$141,317	\$2,357,418	
18	\$6,382	\$114,046	\$120,428	\$27,768	\$144,443	\$2,409,200	
19	\$6,605	\$117,468	\$124,073	\$28,601	\$147,591	\$2,461,319	
20	\$6,836	\$120,992	\$127,828	\$29,459	\$150,758	\$2,513,708	
21	\$7,076	\$124,622	\$131,697	\$30,343	\$153,939	\$2,566,293	
22	\$7,323	\$128,360	\$135,684	\$31,253	\$157,130	\$2,618,992	
23	\$7,580	\$132,211	\$139,791	\$32,191	\$160,325	\$2,671,716	
24	\$7,845	\$136,177	\$144,022	\$33,156	\$163,518	\$2,724,368	
25	\$8,120	\$140,263	\$148,382	\$34,151	\$166,703	\$2,776,840	
26	\$8,404	\$144,471	\$152,874	\$35,175	\$169,874	\$2,829,015	
27	\$8,698	\$148,805	\$157,503	\$36,231	\$173,024	\$2,880,767	
28	\$9,002	\$153,269	\$162,271	\$37,318	\$176,143	\$2,931,957	
29	\$9,317	\$157,867	\$167,184	\$38,437	\$179,224	\$2,982,434	
30	\$9,643	\$162,603	\$172,246	\$39,590	\$182,257	\$3,032,034	
31	\$9,981	\$167,481	\$177,462	\$40,778	\$185,231	\$3,080,581	
32	\$10,330	\$172,506	\$182,836	\$42,001	\$188,135	\$3,127,881	
33	\$10,692	\$177,681	\$188,373	\$43,261	\$190,958	\$3,173,728	
34	\$11,066	\$183,011	\$194,077	\$44,559	\$193,686	\$3,217,896	
35	\$11,453	\$188,501	\$199,955	\$45,896	\$196,304	\$3,260,141	
36	\$11,854	\$194,157	\$206,011	\$47,273	\$198,798	\$3,300,201	
37	\$12,269	\$199,981	\$212,250	\$48,691	\$201,151	\$3,337,794	
38	\$12,699	\$205,981	\$218,679	\$50,152	\$203,346	\$3,372,612	
39	\$13,143	\$212,160	\$225,303	\$51,656	\$205,362	\$3,404,327	
40	\$13,603	\$218,525	\$232,128	\$53,206	\$207,179	\$3,432,584	
41	\$14,079	\$225,081	\$239,160	\$54,802	\$208,775	\$3,457,002	
42	\$14,572	\$231,833	\$246,405	\$56,446	\$210,126	\$3,477,170	
43	\$15,082	\$238,788	\$253,870	\$58,140	\$211,207	\$3,492,646	
44	\$15,610	\$245,952	\$261,561	\$59,884	\$211,988	\$3,502,956	
45	\$16,156	\$253,330	\$269,486	\$61,680	\$212,441	\$3,507,591	
46	\$16,722	\$260,930	\$277,652	\$63,531	\$212,533	\$3,506,004	
47	\$17,307	\$268,758	\$286,065	\$65,437	\$212,231	\$3,497,606	
48	\$17,913	\$276,821	\$294,733	\$67,400	\$211,496	\$3,481,769	
49	\$18,540	\$285,125	\$303,665	\$69,422	\$210,290	\$3,457,816	
50	\$19,188	\$293,679	\$312,868	\$71,504	\$208,571	\$3,425,024	
51	\$19,860	\$302,490	\$322,350	\$73,650	\$206,292	\$3,382,616	
52	\$20,555	\$311,564	\$332,119	\$75,859	\$203,405	\$3,329,762	
53	\$21,275	\$320,911	\$342,186	\$78,135	\$199,859	\$3,265,569	
54	\$22,019	\$330,538	\$352,558	\$80,479	\$195,596	\$3,189,086	
55	\$22,790	\$340,455	\$363,244	\$82,893	\$190,557	\$3,099,292	
56	\$23,587	\$350,668	\$374,256	\$85,380	\$184,678	\$2,995,095	
57	\$24,413	\$361,188	\$385,601	\$87,941	\$177,892	\$2,875,327	
58	\$25,267	\$372,024	\$397,291	\$90,580	\$170,123	\$2,738,738	
59	\$26,152	\$383,185	\$409,336	\$93,297	\$161,295	\$2,583,994	
60	\$27,067	\$394,680	\$421,747	\$96,096	\$151,323	\$2,409,665	
61	\$28,014	\$406,521	\$434,535	\$98,979	\$140,118	\$2,214,227	
62	\$28,995	\$418,716	\$447,711	\$101,948	\$127,584	\$1,996,048	
63	\$30,010	\$431,278	\$461,288	\$105,007	\$113,619	\$1,753,387	
64	\$31,060	\$444,216	\$475,276	\$108,157	\$98,114	\$1,484,382	
65	\$32,147	\$457,543	\$489,690	\$111,402	\$80,952	\$1,187,046	
66	\$33,272	\$471,269	\$504,541	\$114,744	\$62,009	\$859,257	
67	\$34,437	\$485,407	\$519,844	\$118,186	\$41,152	\$498,751	
68	\$35,642	\$499,969	\$535,611	\$121,732	\$18,238	\$103,110	

\* The above interest for each year is calculated on the Corpus at the end of the previous year plus any Feed minus the total Expenses and Fees.